

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

M E M O R A N D U M

TO: ATTORNEY FOR DEBTOR

FROM: OFFICE OF THE CLERK

RE: CONVERSION OF CHAPTER 13 TO CHAPTER 7

The following items **must** be filed in order to convert a case from Chapter 13 to Chapter 7:

1. Original Notice of Conversion, signed by the debtor(s). The signature of the attorney for the debtor is also required. ***If the attorney filing the conversion is different than the original attorney of record, a Motion and Order to Substitute Counsel must accompany the Notice of Conversion.*** The case number remains the same after conversion unless there is a deconsolidation. If there is a deconsolidation, a fee in the amount of the current filing fee is required. Currently, the deconsolidation fee is \$155.00.
2. filing fee of \$15.00 for conversion of case.
3. The Schedule of Additional Creditors, listing any indebtedness incurred between the date of filing of the Chapter 13 case and the date of conversion **or** any indebtedness not included under the Chapter 13. (If there are no additional creditors, please state "NONE" on the Schedule of Additional Creditors form.
4. If there are more than five (5) creditors being added, a matrix containing **ONLY the additional creditors** with complete addresses is to be submitted. ***Do not*** submit a matrix for the entire list of creditors.

The Clerks Office is able to obtain a matrix of the creditors for the case which are in the Chapter 13 Trustee's records at the time of conversion. Therefore, only creditors not included under the Chapter 13 Plan should be listed on the matrix and Schedule of Additional Creditors.

AN ORIGINAL AND ONE COPY OF THE FOLLOWING ITEMS TO BE FILED WITH THE NOTICE OF CONVERSION OR WITHIN 15 DAYS THEREAFTER:

1. Attorney's Disclosure of Compensation Statement (form attached).
2. Debtor's Property Exemption form (Form 91-C) Note: A separate form is required for each debtor (form attached).
3. Statement of Intention. Form must be filed no later than thirty (30) days from conversion or by the Section 341 Creditors Meeting date, whichever is earlier (form attached).

attachments: Notice of Conversion
Memorandum Re: Schedule of Additional Creditors
Schedule of Additional Creditors
Disclosure of Compensation
Exemption Form 91C
Statement of Intention

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

IN THE MATTER OF: _____)
_____)
_____)
_____)
_____)
Debtor(s) _____)

**NOTICE OF CONVERSION
FROM CHAPTER 13 TO CHAPTER 7**

TAKE NOTICE THAT pursuant to Section 1307(a) and Bankruptcy Rule 1017(f)(3), the undersigned debtor(s) hereby files this Notice of Conversion to Chapter 7 and provides the following information:

1. On _____, the above named debtor(s) filed a Petition under Chapter 13 of the Bankruptcy Code.
2. (Check appropriate boxes)
 - A. Debtor(s) Plan was confirmed ☐ Yes ☐ No
 - B. Debtor(s) was present at Creditors Meeting ☐ Yes ☐ No
 - C. Debtor(s) owns real estate ☐ Yes ☐ No
3. Debtor(s) is represented by an attorney in this conversion ☐ Yes ☐ No

The Debtor(s) present mailing address is:

*Attorney's signature as well as
petitioner(s) is required where
attorney is handling conversion

Respectfully submitted:

Debtor

Debtor

Attorney of Record*

Date: _____

State Bar No.: _____

Attorney's Name & Address

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

M E M O R A N D U M

TO: Attorney for Debtor

FROM: Clerk, U. S. Bankruptcy Court

RE: Debtor's Schedule of Additional Creditors

If your client filed Chapter 13 and is now converting the case to Chapter 7, it is possible that debts were incurred that may need to be included under the Chapter 7. If debts were incurred, the names, addresses and amounts owed to these creditors must be filed with the Court in order for the debtor to be discharged of these debts.

Please complete the *Schedule of Additional Creditors* form, listing the creditors' complete names and addresses and the amounts owed for any indebtedness. This list should only include the debts incurred between the date the debtor's Chapter 13 case was filed and the date the case was converted to Chapter 7 liquidation *or* any debts not included in the records maintained by the Chapter 13 Trustee's office. This information should be typed or printed legibly.

If there are more than five creditors being added, please attach a matrix with the *Schedule of Additional Creditors*. The matrix submitted with a conversion should contain **ONLY the additional creditors** - not an entire matrix of all creditors.

The *Notice of Conversion*, the *Schedule of Additional Creditors* along with matrix, if needed, are to be completed and filed with the ***appropriate*** Court division at one of the following addresses:

U. S. Bankruptcy Court
101 S. Edgeworth St.
P. O. Box 26100
Greensboro, NC 27420-6100

U.S. Bankruptcy Court
Divisional Office
226 S. Liberty St.
Winston-Salem, NC 27101

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In re:

Debtor(s)

)
)
)
)

Case No.: _____

SCHEDULE OF ADDITIONAL CREDITORS

The following debts were incurred by the debtor(s) between the date of filing of the Chapter 13 case and the date of conversion or were not included in the list of creditors maintained by the Chapter 13 Office:

<u>NAME & ADDRESS OF CREDITOR</u>	<u>AMOUNT</u>	<u>INDEBTEDNESS SECURED BY</u>
---------------------------------------	---------------	--------------------------------

(1)	_____ _____ _____	_____ _____ _____
(2)	_____ _____ _____	_____ _____ _____
(3)	_____ _____ _____	_____ _____ _____
(4)	_____ _____ _____	_____ _____ _____
(5)	_____ _____ _____	_____ _____ _____
(6)	_____ _____ _____	_____ _____ _____
(7)	_____ _____ _____	_____ _____ _____

Date: _____

Signed: _____

Debtor

Signed: _____

Debtor

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In re:

Case No.: _____

**Disclosure of Compensation Paid or Promised to Attorney
for Debtor(s) for Conversion from Chapter 13 to Chapter 7**

Attorney's Name: (Please Print) _____

1. Amount of compensation paid for services rendered or to be rendered for the conversion of this case to Chapter 7:

\$ _____

2. Amount of additional compensation promised, but not yet paid, for services rendered or to be rendered in connection with this conversion:

\$ _____

3. Source of compensation paid or promised:

4. Particulars for the sharing or agreement to share compensation.

5. Amount of compensation paid to debtor(s) attorney for representation in the Chapter 13 case: (if you were not the attorney who filed the original Chapter 13 petition for debtor(s), please so state.)

\$ _____

6. Total attorney's fee charged and paid for representation in Chapter 13 case and conversion to Chapter 7.

\$ _____

Date: _____

Attorney for Petitioner(s)
(Signature)

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In the Matter of:

Case No. _____

**DEBTOR'S CLAIM FOR
PROPERTY EXEMPTIONS**

Debtor.

I, _____, the undersigned debtor, hereby claim the following property as exempt pursuant to 11 U.S.C. § 522(b)(2)(A) and (B), the Laws of the State of North Carolina, and non-bankruptcy federal law.

1. **REAL OR PERSONAL PROPERTY USED BY DEBTOR OR DEBTOR'S DEPENDENT AS RESIDENCE OR BURIAL PLOT.** (NCGS 1C-1601(a)(1). Total net value not to exceed \$10,000. Amount of the unused portion of the first \$3,500 may be carried forward to be applied on other property claimed as exempt.)

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder(s)	Amt. Mtg. or Lien	Net Value
--------------------------------------	-----------------	----------------------------------	----------------------	--------------

(a) Total Net Value \$ _____

Total Net Exemption \$ _____

(b) Unused portion of first \$3,500. (This amount, if any, may be used to claim an exemption in any property owned by the debtor.) \$ _____

2. **MOTOR VEHICLE.** (NCGS 1C-1601(A)(3). Only one vehicle allowed under this paragraph with net value claimed as exempt not to exceed \$1,500 plus any portion desired for use from paragraph 1 (b) above.)

Model, Year Style of Auto	Market Value	Lien Holder(s)	Amt. Lien	Net Value
------------------------------	-----------------	----------------	-----------	--------------

(a) Statutory allowance \$ 1,500

(b) Amount from 1 (b) above to be used in this paragraph.
(A part or all of 1 (b) may be used as needed.) \$ _____

Total Net Exemption \$ _____

3. **TOOLS OF TRADE OR PROFESSIONAL BOOKS.** (NCGS 1C-1601(a)(5). Used by Debtor or Debtor's dependent. Total net value of all items claimed as exempt not to exceed \$750.00.)

Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
-------------	-----------------	----------------	-----------	--------------

(a) Statutory allowance \$ 750

(b) Amount from 1 (b) above to be used in this paragraph.
(A part or all of 1 (b) may be used as needed.) \$ _____

Total Net Exemption \$ _____

4. **PERSONAL PROPERTY USED FOR HOUSEHOLD OR PERSONAL PURPOSES NEEDED BY DEBTOR OR DEBTOR'S DEPENDENTS.** (NCGS 1C-1601(a)(4). Debtor's total net value not to exceed \$3,500 plus \$750 for each dependent, but not to exceed \$3,000 total for all dependents.)

Description of Property	Market Value	Lien Holder(s)	Amt. Lien	Net Value
Clothing & Personal				
Kitchen Appliances				
Stove				
Refrigerator				
Freezer				
Washing Machine				
Dryer				
China				
Silver				
Jewelry				
Living Room Furniture				
Den Furniture				
Bedroom Furniture				
Dining Room Furniture				
Lawn Furniture				
Television				
() Stereo () Radio				
Musical Instruments				
() Piano () Organ				
Air Conditioner				
Paintings & Art				
Lawn Mower				
Yard Tools				
Crops				
Animals				
Other ()				

Total Net Value _____

- (a) Statutory allowance for debtor
\$ 3,500
- (b) Statutory allowance for debtor's dependents: _____ dependents
at \$750 each (not to exceed \$3,000 for total dependents)

- (c) Amount from 1 (b) above to be used in this paragraph.
(A part or all of 1 (b) may be used as needed.)

Total Net Exemption _____

5. **LIFE INSURANCE.** (As provided in Article X, Section 5 of North Carolina Constitution.)

Name of Insurance Company _____ Policy No. _____

Name of Insured _____ Policy Date _____

Name of Beneficiary _____

6. **PROFESSIONALLY PRESCRIBED HEALTH AIDS (FOR DEBTOR OR DEBTOR'S DEPENDENTS).** (NCGS 1C-1601(a)(7). No limit on value of number of items.)

Description: _____

7. **DEBTOR'S RIGHT TO RECEIVE FOLLOWING COMPENSATION:** (NCGS 1C-1601(a)(8). No limit on number or amount.)
- A. \$ _____ Compensation for personal injury to debtor or to person whom debtor was dependent for support.
- B. \$ _____ Compensation for death of person of whom debtor was dependent for support.

8. **INDIVIDUAL RETIREMENT ACCOUNTS, INDIVIDUAL RETIREMENT ANNUITIES AND TRUST ACCOUNTS AS DESCRIBED IN SECTION 408(a),(b) and (c) OF THE INTERNAL REVENUE CODE:** (NCGS 1C-1601(a)(9). No limit on number or amount.)

Detailed Description	Value
_____	_____
_____	_____

9. **ANY OTHER REAL OR PERSONAL PROPERTY WHICH DEBTOR DESIRES TO CLAIM AS EXEMPT THAT HAS NOT PREVIOUSLY BEEN CLAIMED ABOVE.** (NCGS 1C-1601(a)(2). THE AMOUNT CLAIMED MAY NOT EXCEED THE REMAINING AMOUNT AVAILABLE UNDER PARAGRAPH 1 (b) WHICH HAS NOT BEEN USED FOR OTHER EXEMPTIONS.)

Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

- (a) Total Net Value of property claimed in paragraph 9. \$ _____
- (b) Total amount available from paragraph 1 (b). \$ _____
- (c) Less amounts available under paragraph 1 (b) which was used in other paragraphs:

Paragraph 2 (b)	\$ _____
Paragraph 3 (b)	\$ _____
Paragraph 4 (c)	\$ _____
Net Balance Available from paragraph 1 (b)	\$ _____
Total Net Exemption	\$ _____

10. **OTHER EXEMPTIONS CLAIMED UNDER THE LAWS OF THE STATE OF NORTH CAROLINA:**

Aid to the Aged, Disabled and Families with Dependent Children, NCGS 108A-36	_____
Aid to the Blind, NCGA 111-18	_____
Yearly Allowance for Surviving Spouse, NCGS 30-15, NCGS 30-33	_____
North Carolina Local Government Employees Retirement Benefits, NCGS 128-31	_____
North Carolina Teachers and State Employees Retirement Benefits, NCGS 135-9	_____
Firemen's Relief Fund Pensions, NCGS 58-86-90	_____
Workers Compensation Benefits, NCGS 97-21	_____
Unemployment Benefits, so long as not commingled and except for debts for necessities purchased while unemployed, NCGS 96-17	_____
Group Insurance Proceeds, NCGS 58-58-165	_____
Partnership Property, except on a claim against the partnership, NCGS 59-55	_____
Wages of a Debtor Necessary for Support of Family, NCGS 1-362	_____
Other	_____
TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT	\$ _____

11. **EXEMPTIONS CLAIMED UNDER NON-BANKRUPTCY FEDERAL LAW:**

Foreign Service Retirement and Disability Payments, 22 U.S.C. § 1104	_____
Social Security Benefits, 42 U.S.C. § 407	_____
Injury of Death Compensation Payments from War Risk Hazards, 42 U.S.C. § 601	_____
Wages of Fishermen, Seamen and Apprentices, 46 U.S.C. § 601	_____
Civil Service Retirement Benefits, 5 U.S.C. §§ 729, 2265	_____
Longshoremen and Harbor Workers Compensation Act Death and Disability Benefits, 33 U.S.C. § 916	_____
Railroad Retirement Act Annuities and Pensions 45 U.S.C. § 228(L)	_____
Veterans Benefits, 45 U.S.C. § 352(E)	_____
Special Pension Paid to Winners of Congressional Medal of Honor, 38 U.S.C. § 3101	_____
Federal Homestead Lands, on Debts Contracted Before the Issuance of the Patent, 43 U.S.C. § 175	_____
Other	_____
 TOTAL VALUE OF PROPERTY CLAIMED AS EXEMPT	 \$ _____

12. **TENANCY BY THE ENTIRETY.** The following property is claimed as exempt pursuant to 11 U.S.C. § 522(b)(2)(B) and the laws of the State of North Carolina pertaining to property held as tenants by the entirety.

Description of Property & Address	Market Value	Mtg. Holder or Lien Holder(s)	Amt. Mtg. or Lien	Net Value
_____	_____	_____	_____	_____

VALUE OF ENTIRETIES PROPERTY CLAIMED AS EXEMPT \$ _____

13. **THE FOLLOWING TANGIBLE PERSONAL PROPERTY WAS PURCHASED BY THE DEBTOR WITHIN 90 DAYS OF THE FILING OF THE BANKRUPTCY PETITION:**

Description	Market Value	Lien Holder(s)	Amt. Lien	Net Value
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

None of the property listed in paragraph 11 has been included in this Request for Exempt Property. (Tangible personal property purchased within 90 days of the filing of the petition cannot be exempted.)

14. **DESCRIBE BELOW ANY 401(K) PLANS, PENSION PLANS, PROFIT SHARING PLANS, ETC., IN WHICH THE DEBTOR HAS AN INTEREST WHICH ARE NOT LISTED IN DEBTOR'S SCHEDULES OR STATEMENT OF FINANCIAL AFFAIRS OR IN ANY PRECEDING PARAGRAPH OF THIS FORM.**

Detailed Description	Value
_____	_____
_____	_____

DATE: _____

Debtor

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

1. I have filed a schedule of assets and liabilities which includes consumer debts secured by property of the estate.
2. I intend to do the following with respect to the property of the estate which secures those consumer debts:

- a. Property to Be surrendered.

Description of Property

Creditor's Name

- b. Property to Be Retained

[Check any applicable statement]

Description of Property	Creditor's Name	Property is claimed as Exempt	Property will be Redeemed pursuant to 11U.S.C. § 722	Debt will be reaffirmed pursuant to 11U.S.C. § 524(c)

Date: _____

Signature of Debtor

CERTIFICATION OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11U.S.C. § 110)

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed or Typed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security Numbers of all other individuals who prepared or assisted in preparing this document.

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person.

Signature of the Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.